

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

OCTOBER 2, 2003

SUBJECT:

Use Permit Application USE2003-00661

Applicant: Sonic Automotive, Inc.
 c/o Robert Sanders, Vice President
 6425 Idlewild Road, Building 3, Suite 205
 Charlotte, North Carolina 28212

Counsel: Jody Kline, Esquire
 Miller, Miller, & Canby
 200-B Monroe Street, Rockville, Maryland 20850

Property Location: 1125 Rockville Pike, Rockville, Maryland 20852

Planning Commission Review Date: October 8th 2003

PREVIOUS RELATED ACTION:

Special Exception S-64-62, Mark Eisner, Jr. (Mark Motor Company) – a request to conduct new and used car sales and service on the subject property located on the southwest side of (then) East Montgomery Avenue and Congress Street, in the (then) C-2 Zone. Approved by the Board of Appeals on September 10th 1962.

Special Exception S-110-65, John McAuliffe - a request to conduct outdoor sales of new and used motor vehicle sales as an accessory use to an existing dealership, and construct a sales office on a parcel of land southeast of Rockville Pike and Talbott Street, adjoining the Mark Motors' property, in the then C-2 Zone. Approved by the Board of Appeals on January 8th 1966.

Use Permit U-266-66, Mark Eisner, Jr. – a proposal to construct a used car sales office and used car display and new car storage area, as an extension of the adjacent new car dealership, on the southwest corner of Rockville Pike and Talbot Street adjoining the Mark Motors' site. Approved by the Planning Commission February 9th 1966.

Special Exception SPX2003-00312, Sonic Automotive Inc. c/o Robert Sanders – a request to construct a new automobile dealership, i.e., an outdoor motor vehicle sales facility conducted as an accessory use to indoor motor vehicle sales in the RPC Zone. Approved by the Board of Appeals on October 12th 2002.

REQUEST:

In accordance with Section 25-54 & 193 of the City of Rockville Zoning Ordinance, the applicant submits the subject use permit, a proposal to construct a new automobile dealership at the subject location, in the RPC (Rockville Pike Commercial) zone. The new dealership will be engaged in outdoor and indoor motor vehicle sales, auto service repair and maintenance, and retail sales of auto parts and accessories.

RELEVANT ISSUES:

- Loading and unloading of vehicles along on public streets is prohibited.
- The dealership's vehicle inventory must be stored/parked on the subject property, i.e., 1125 Rockville Pike. Storage and/or parking of inventory vehicles is strictly prohibited on any of the abutting properties and/or public rights-of-way.
- Proposed site lighting must be installed so as not to create glare and/or spillage onto residential properties located to the west and south of the site.
- Applicant and neighborhood representatives have been working together to resolve neighborhood concerns.

STAFF RECOMMENDATION:

Approval is recommended subject to the following conditions:

1. The applicant must submit to the Chief of Planning nine (9) copies of the site development plan revised to illustrate that the following development concerns have been satisfactorily addressed:
 - a. The site must be developed in substantial accordance with the site development and building plans submitted by Macris, Hendricks & Glascock, P.A. and AI Design Group respectively.
 - b. In accordance with the project's previously approved Special Exception SPX2002-00312, in no event shall the retaining wall proposed located along the west side of the property be closer than 16 feet from the property line.
 - c. For a period of three years from the issuance of an occupancy permit, the applicant shall be required to replace any trees that die within that period and is within ten (10) feet of the west property line, provided however the applicant must obtain written permission from the adjacent property owner/s if trees need to be replaced on the property, as a result of this condition. If tree replacement is necessary, the applicant will work in consultation with the City Forester to select replacement trees that the applicant can plant on the adjacent property, in the area abutting the subject site's rear western lot line area.

- d. Delivery, unloading, and/or loading of vehicles from truck carriers on public streets are strictly prohibited.
 - e. Storage and/or parking of the dealership's vehicular inventory, on abutting properties are prohibited.
 - f. The following note should be added under the general notes of the use permit site plan: "All construction must meet the requirements of the city's construction codes, fire code, life safety code, state accessibility code, and federal requirements of the Americans with Disabilities Act (ADA)."
 - g. All internal and external traffic control devices (i.e., signs, signals, markings, and devices placed on, over, or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians, and/or other vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signage and pavement marking plan, must be submitted to the Department of Public Works for approval by the Chief of Traffic and Transportation, prior to the issuance of a public works permit.
 - h. The trash dumpster located in the in the southwest corner of the site must be screened by an enclosure constructed of building materials compatible in make, color, and quality to that of the proposed showroom building facility.
 - i. The applicant shall pay the applicable Development Impact Tax under Montgomery County's Laws and Regulations.
2. The Department of Public Works (DPW) requires the following information be provided and/or action be taken:
- a. Appropriate bonds must be posted and applicable permits obtained from DPW.
 - b. Obtain permit/s from the Maryland State Highway Administration (MSHA) for work in Md. Route 355, including utility connections and abandonments.
 - c. All existing water and sewer service connections must be abandoned at the main per DPW requirements.
 - d. Remove the existing private sewer under the limits of the proposed building.
 - e. The sewer house connection should be relocated to connect to the public system located in Route 355 or in Congress Street. The relocated sewer between the condominium property and Congress Street should not be a public sewer.
 - f. Relocate the proposed water service connection to minimize the depth of the water meter and avoid the retaining wall.

- g. Submit detailed engineering plans and computations for the following: sediment and erosion control, stormwater management (SWM), public improvements including utility connections and work in the public right-of-way.
- h. Provide a drainage study of on-site and off-site area. Provide safe conveyance of runoff from neighboring condominium site.
- i. Amend site plan/s to denote existing topographic features (i.e., trees, contours, and other features), to evaluate the impact of the drainage discharge at the Woodmont Country Club property.
- j. Obtain a permit from MSHA (with review by DPW) to install signage “prohibiting U-Turns from northbound Md. Route 335 at Talbott Street and to maintain/modify the median break at Congress Street to allow left turns into the site and prohibit left turns out of the site. The applicant shall be financially responsible for the implementation of this improvement.
- k. Left-turns northbound onto Rockville Pike from Congress Street shall not be permitted.
- l. Tie-backs for the proposed retaining wall along Talbott Street will not be permitted in the right-of-way.
- m. The applicant shall enter into an agreement, acceptable with the Attorney’s Office, for the future construction of Congress Street (to DPW standards) along the length of the site’s frontage.
- n. On-site parking spaces shall not block pedestrian access to the showroom and service building or vehicular circulation around the building.
- o. Provide a revised truck movement exhibit.
- p. All proposed on-site sidewalks should have a minimum width of four (4) feet.
- q. Provide a five (5) foot wide sidewalk with a fourteen (14) planting strip along the site’s Talbott Street frontage.
- u. Construct a standard bus stop pad for the existing bus shelter on Md. Route 355 as per Rockville Pike streetscape sheet #5. The bus shelter must be reinstalled on the pad. Construction of said improvement must be coordinated with Montgomery County Ride-On.
- r. Reconfigure sidewalk ramps and drainage system to provide a safe crossing of Talbott Street along Md. Route 355. The existing features on the north side of Talbott Street should be shown on site plan, i.e., sidewalks, trees, ramps, etc.

- s. All easements must be approved by the City and recorded prior to DPW permit issuance.
- 3. The City Forester requires the following information be provided and/or action be taken:
 - a. The site landscape plan must be incorporated into the Forest Conservation Plan (FCP), which must be approved by the City Forester.
 - b. Proposed streetscape and landscape along the site's Md. Route 335 frontage, must be installed in accordance with design standards of the Rockville Pike Neighborhood Corridor Plan. Note, the sidewalk that will be installed with these improvements will be designed in accordance with the City's Bikeway Master Plan guidelines
- 4. The Maryland State Highway Administration (MSHA) requires the following actions be taken:
 - a. Obtain a permit to close one (1) commercial entrance, construct one (1) public street (Congress Street), and provide sidewalk and landscaping along Md. Route 355.

ANALYSIS:

Property Description

The property is located at 1125 Rockville Pike, currently undeveloped, and 2.2 acres (96,974 square feet) in size. The property has approximately 280 feet of street frontage on the south side of Talbott Street, 240 feet along the west side of Rockville Pike, and 325 feet along the north side of Congress Street (an unimproved public right-of-way). The subject property was initially developed in the early 1960's under special exception approval, for use and operation of an automobile sales business, engaging in both indoor and outdoor vehicle sales. The former automobile dealership ceased operations in the early 1990s. The former automobile dealership's building facilities and associated site improvements were razed around 1997.

Today the site is vacant and unimproved. The site has existing curb cuts on both Talbott Street and Rockville Pike, which are blocked off with jersey barriers. As noted, the site does however have vehicular access via Congress Street, located along the south side of the subject property, a paper street not yet constructed. The site's topography is relatively flat, except along the northwestern and western rear yard lot areas. The finished surface grades along Talbott Street to the north and those on the rear northwest corner, adjacent to the Woodmont Spring Condominium are substantially higher than the overall surface grades of the subject property.

The property is somewhat square in configuration and contains a number of mature hardwood and evergreen trees, located primarily along the site's northern, northwestern, and eastern tract boundaries. With the exception of the mature trees located on the site's outer fringes and street frontages, the site contains little or no vegetation, except for surface grasses that primarily cover the property. The property is bound on the north by the Talbott Center (a strip shopping center),

east by the Room Store, Danzansky-Goldberg Funeral Home, and Land Rover of Rockville, south by the Woodmont Country Club, and southwest and west by the Woodmont Spring Condominium and Village Green Condominium, residential developments. Hence, the property is surrounded by a mixture of commercial, retail, private recreational, and residential land uses, e.g., restaurants, automobile dealerships, retail shopping, office uses, private country club, etc.

Subject Request & Project Proposal

The applicant (Sonic Automotive Inc.) submits the subject use permit, a proposal to develop the subject property for use and operation of an automobile dealership, engaged in outdoor and indoor motor vehicle sales, auto service repair and maintenance, and retail sales of auto parts and accessories.

The new showroom and service building facility will have a total gross floor area of 32,743 square feet \pm and designed as follows: a) the main front portion of the building will contain floor space that will include the showroom, reception area, sales and service offices, parts department, customer and employee lounges, and restrooms, b) the rear portion of the building will contain the service and maintenance repair area, featuring 25 service bays, and 3 auto prep (PDI) bays, and c) the partial second floor will contain floor space, consisting of management offices, conference and training rooms, auto parts storage area, and additional restrooms. The proposed new building facility will have a total of 6,900 square feet of retail space, auto service repair facilities consisting of 19,825 square feet, and approximately 6,017 square feet of ancillary office space.

The proposed showroom and service building facility will be centrally located on site, with site surface parking located around the building (See Exhibits 1 thru 3). Vehicular access to the site will be provided via a single entrance onto Congress Street by way of Rockville Pike. The applicant plans to construct a portion of Congress Street in accordance with Department of Public Works road standards, in order to provide vehicular access onto the subject property. As a condition of approval, staff has recommended the applicant post a bond or other form of security acceptable to the City Attorney's Office for the future construction of Congress Street (to DPW standards) along the length of the site's frontage.

Under the subject proposal, there will be no direct vehicular access onto Rockville Pike or Talbott Street. In the applicant's statement of operation which was submitted with the previously approved special exception (SPX2002-00312), it was noted that vehicles being sold by the dealership will not be delivered to the site via large truck trailer carriers, since the applicant has a lease agreement with an existing automobile storage facility located near Route 335 and Gude Drive. However, in the event such onsite deliveries are necessary, the site has been designed/laid out to accommodate such deliveries, e.g., the width of the proposed site entrance, and onsite travel ways, have been shown to accommodate large truck trailer carriers.

In accordance with Section 25-395(a)(4), (25), and (30)a., of the Zoning Ordinance, a total of 135 on-site parking spaces are required for the planned automobile dealership's business operation. As shown on the site development plan submitted with the subject request, a total of

146 on-site parking spaces will be provided. Of the total spaces provided, there will be 113 surface parking spaces provided to accommodate customer, employee, and vehicle inventory. The dealership's auto service and repair operation, as design will provide 28 parking spaces via the service bays.

In accordance with previously approved SPX2002-0312, the dealership will be staffed by approximately forty (40) employees, consisting of the following personnel; three (3) managers, four (4) general office personnel, ten (10) sales persons, three (3) parts department employees, fourteen (14) service technicians, and six (6) support personnel. The dealership will operate under the following business hours: a) Sales – Monday thru Saturday 7:00 a.m. to 9:00 p.m., and the last Sunday of each month 11:00 a.m. to 6:00 p.m. for sales only, and b) Service – Monday thru Saturday 7:00 a.m. to 6:00 p.m.

The property will be landscaped in accordance with requirements of the Zoning Ordinance, Forest and Tree Preservation Ordinance, and the Rockville Pike Corridor Neighborhood Plan's urban design guidelines. As previously noted, vehicular site ingress and egress will be via Congress Street, an unimproved right-of-way that will be constructed to intersect Rockville Pike to the east (See Exhibit 1). Site access onto Congress Street, from Rockville Pike will be a right-turn-in and right-turn-out. Northbound left turns from Congress Street onto Rockville Pike are strictly prohibited. As a condition of the project's special exception approval, "the applicant in consultation with the City's DPW – Traffic and Transportation staff shall petition the State Highway Administration to install appropriate signage "prohibiting U-turns" from northbound Rockville Pike at Talbott Street." The applicant shall be financially responsible for the implementation of this improvement.

Applicable Section of the Ordinance & Staff Analysis

In accordance with Section 25-193 of the City of Rockville Zoning Ordinance, a use permit shall be issued if the Planning Commission finds that the use proposed will not:

1. Adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use. The subject property is bound to the north, east, and southeast by an array of commercial and retail land uses, south by the Woodmont Country Club, and west by the Woodmont Spring and Village Green residential condominiums. Throughout the processing of previously approved SPX2002-00312 and during the processing of the subject use permit, the applicant has worked closely with staff and representatives from the neighboring community to address concerns residents and site area workers have with the planned site use and development. One such concern pertained to vehicular traffic that would be generated by the proposed use and potential impacts on the neighboring land uses.

Although there is no vehicular access onto Talbott Street, to insure community residents that Talbott Street not be overburden by vehicular traffic generated by the operation of the proposed automobile dealership, the Board of Appeals in its approval of SPX2002-00312, imposed conditions that restrict the dealership's employees from parking on Talbott Street and prohibit demo rides and service test drives on that street, or on nearby residential properties.

The site's primary frontage is on Rockville Pike (Md. Route 355), a six-(6) lane divided state arterial roadway. Rockville Pike is one of the most heavily traveled roadways within the city and county. It has been determined that the proposed automobile sales dealership will not generate greater than 100 peak hours trips and as such the applicant was not required to conduct a formal

traffic study. During the processing of previously approved SPX2002-00312, the applicant's traffic consultant did however provide a traffic assessment for the proposed business operation. The applicant's consultant (Street Traffic Studies, Ltd.) utilized trip generation data in the Institute of Traffic Engineers Manual's, Trip Generation 6th Edition to determine/project the amount of vehicular traffic that would be generated by the proposed site use. The consultant not only examined traffic generation during the morning (a.m.) and evening (p.m.) weekday-peak hours for the proposed use, they also examined the Saturday peak hour.

The traffic assessment also included an examination of traffic volumes along the adjacent Rockville Pike. The consultant conducted traffic counts at the proposed site entrance and at the signalized intersection for the Woodmont County Club and Best Buy site entrances, just south of the site. The consultant noted that "counts of existing traffic were undertaken to provide insight into existing traffic flows on Rockville Pike in the vicinity of the site and the directional distribution of trips to and from the site."

The following excerpt is provided from the consultant's traffic assessment: "The average trip rate during the morning peak hour of street traffic is 2.21 trips/1,000 square feet of gross floor area, with 73% of the trips being inbound to the site. In the evening peak hour of street traffic the average rate is 2.80 trips/1,000 square feet of gross floor area, with 40% of the trips being inbound to the site. The average trip rate for the proposed use during the peak hour of the generator on a Saturday is 2.97 trips/1,000 square feet of gross floor area, with 51% of the trips entering the site. When this rate is applied, the proposed use produces a projected total of 96 trips." Based on the consultant's findings, there is no evidence that vehicular traffic generated by the automobile dealership, would overburden existing site area roadways or pose a risk to the health and safety of persons working, living, or traveling within the site area.

The State Highway Administration in its initial review of the previously approved SPX2002-00312 had requested that the median break at Congress Street and Rockville Pike be closed. However, after substantive discussions with community representatives and City staff, the SHA agreed to allow the median break to remain open. It was determined that had the median break been closed, persons desiring to access the subject property via northbound Rockville Pike would have been forced to do so by making "U-turns" at Talbott Street. According to accident data available at the time, staff determined that any increase in vehicles making "U-turns" from northbound Rockville Pike at Talbott Street would create a safety hazard to drivers attempting such turning movements, and to other drivers utilizing this intersection.

To address that concern, the applicant in consultation with City Traffic and Transportation staff is to petition the State Highway Administration (SHA) to install signage at the intersection that prohibits "U-turns" from northbound Rockville Pike at Talbott Street. Staff also reviewed the possibility of installing a traffic signal at this intersection, to provide safety and capacity

improvements. In consultation with SHA District #3 Office, it was determined that a traffic signal is not warranted at this time.

2. Be detrimental to the public welfare of injurious to property or improvements in the neighborhood. The property will be served by public utilities, e.g., water and sewer, gas and electricity, storm drainage infrastructure, etc. Since the subject property is currently undeveloped, respective site area utilities and other infrastructure will require some retrofit and/or upgrade in order to accommodate the planned building and site improvements. The applicant is currently working with DPW staff on the design and installation of the respective utilities needed to serve the subject site, which include but may not be limited to a) sanitary water and sewer, b) stormwater management, c) storm drainage, etc. Staff found no evidence that the proposed new automobile dealership at the subject location would overburden existing public services and/or improvements within the subject site area.

The property is surrounded by an array of commercial, retail, and residential land uses. The Rockville Pike Corridor is one of the most heavily commercialized areas within the metropolitan region and as such the applicant's proposal to develop the site for use and operation of automobile dealership has been found to be in keeping with the character of the area in which it is located. There are a number of automobile dealerships currently located along Rockville Pike, within immediate and reasonable proximity to the subject site. These existing motor vehicle dealerships like the subject proposed use were allowed at the noted locations by special exception approval, i.e., outdoor motor vehicle sales, when conducted as an accessory use to indoor motor vehicle and trailer sales.

To mitigate potential adverse impacts the newly developed automobile dealership might have on surrounding land uses "the delivery, unloading and/or loading of vehicles from truck carriers on public streets is prohibited." Such loading and off loading of vehicles within public rights-of-way would impede traffic flow movement in and around the subject site, thus creating unsafe and potentially hazardous conditions for motorist traveling along Rockville Pike and Talbott Street. Also, said delivery, unloading, and loading of vehicles shall not occur on neighboring properties.

To insure that vehicular traffic generated by the proposed automobile dealership not adversely impact or alter traffic flow movements within the site area and/or along the public roadway, appropriate traffic control signage will be installed on and around the subject site area. Such signage should include but not be limited to the following: stop and yield, pedestrian warning, directional and informational, site identification, etc. In addition to site signage, site lighting has been of great concern to the neighboring residential property owners to the west, as well as City staff. Site lighting is an important operational element of the use, which could potentially have adverse impacts on neighboring land uses, as well as traffic flow movements in and around the site area. The applicant submitted a lighting plan, to demonstrate that proposed site lighting will not create light spillage onto surrounding land uses or cause glare that would obstruct the sight visibility of motorist traveling along the abutting public roadway/s. It is important to note the lighting plan has been reviewed by staff and found to be acceptable.

Also, to limit the amount of noise/sound being generated from the site, during the course of a typical business day, the applicant is not permitted to use an exterior loudspeaker or public address type system in the operation of the proposed automobile dealership.

3. Constitute a violation of any provision of the Zoning Ordinance or applicable laws. In accordance with Section 25-296 of the Ordinance, “motor vehicle sales, outdoors, when conducted as an accessory use to indoor motor vehicle sales” is permitted in the RPC Zone only by grant of special exception. At its October 12th 2002 meeting, the Board of Appeals approved the applicant’s request to develop the subject property for use and operation of an automobile dealership, engaged in outdoor and indoor motor vehicle sales, auto service repair and maintenance, and retail sales of auto parts and accessories.

In accordance with Section 25-54 of the Ordinance, the applicant was required to submit a use permit to implement special exception SPX2002-00312. Based on the information provided, staff finds the proposed new automobile dealership building facility and accompanying site improvements, as shown on the proposed site plan, comply with applicable requirements of the Ordinance, e.g., building setbacks, lot coverage, floor area ratio, building height, and/or parking requirements. The applicant is currently working with the City Forester’s Office to insure the proposed site development fully complies with applicable requirements of the Forest and Tree Preservation Ordinance.

Based on all of the noted factors, staff finds suitable justification to recommend Use Permit USE2003-00661 be approved, subject to the conditions as referenced on pages two thru five of this staff report.

COMMUNITY NOTIFICATION PROCESS:

Notification cards were sent to abutting property owners informing them of the application request and pending Planning Commission review, where the subject request will be publicly heard and considered. Notices were sent to 693 property owners located within the subject site area. A list of addresses is contained in the project's application file for public review and inspection.

/cdc

Attachments

- Exhibit "1" – Proposed Site Plan
- Exhibit "2" - Proposed Landscape Plan
- Exhibit "3" - Proposed FCP
- Exhibit "4" – Talbott Street Profile
- Exhibits "5" – Proposed Building Elevations
- Exhibits "6" - Floor Plan
- Attachment A – SPX2002-00312 Approval Letter
- Attachment B – Response Letter
- Attachment C- SWM Concept Approval Letter